

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 22, 2018
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Picton
Councillor Sentes
Councillor Konanz
Councillor Martin
Councillor Watt

Absent: Councillor Sayeed

Staff: Dana Schmidt, Corporate Officer
Peter Weeber, Chief Administrative Officer
Jim Bauer, Chief Financial Officer
Ian Chapman, City Engineer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. **Call to Order**

The Mayor called the Regular Council meeting to order at 1:01 p.m.

2. **Introduction of Late Items**

3. **Adoption of Agenda**

It was MOVED and SECONDED

212/2018 THAT Council adopt the agenda for the Regular Council meeting held on May 22, 2018 as presented.

CARRIED UNANIMOUSLY

4. **Recess to Committee of the Whole**

Council recessed to a Committee of the Whole Meeting at 1:02 p.m.

5. **Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 2:39 p.m.

6. **Adoption of Minutes**

6.1 Minutes of the May 8 2018 Committee of the Whole

213/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the May 8, 2018 Committee of the Whole as presented.
CARRIED UNANIMOUSLY

6.2 Minutes of the May 8, 2018 Public Hearing

214/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the May 8, 2018 Public Hearing as presented.
CARRIED UNANIMOUSLY

6.3 Minutes of the May 8, 2018 Regular Meeting of Council

215/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the May 8, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

6.4 Minutes of the May 11, 2018 Special Meeting of Council

216/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the May 11, 2018 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. **Committee and Board Reports**

7.1 Arts, Creative and Cultural Innovations Advisory Committee Minutes of April 27, 2018

217/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Advisory Committee meeting of April 27, 2018.

CARRIED UNANIMOUSLY

218/2018

It was MOVED and SECONDED

THAT Council approve the allocation of \$2,500 from the Arts Reserve Fund towards the purchase of the sculpture titled "Bring Back the Salmon Chief" by Clint George, subject to a matching contribution of \$2,500 from the Penticton & District Arts Council.

CARRIED UNANIMOUSLY

8. **Staff Reports**

- 8.1 Pawnbroker and Secondhand Dealers bylaw amendments and reporting changes
Re: Pawnbrokers, Secondhand Dealers and Auction Houses Regulations Amendment
Bylaw No. 2018-42
Bylaw Notice Enforcement Amendment Bylaw No. 2018-43

219/2018

It was MOVED and SECONDED

THAT Council support the proposed work plan as outlined in the report titled "Pawnbroker and Secondhand Dealers bylaw amendments and reporting changes";

AND THAT Council give first, second and third reading to "Pawnbrokers, Secondhand Dealers and Auction Houses Regulations Amendment Bylaw No. 2018-42";
AND THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2018-43".

CARRIED UNANIMOUSLY

8.2 Equalized Utility Billing Options

220/2018

It was MOVED and SECONDED

THAT Council direct staff to design educational material for Electric, Water, and Sewer Utility customers regarding self-managed equalized payment plans and begin proactive promotion.

CARRIED

Councillor Konanz, Opposed

8.3 Budget Amendment to Address Identified Flood Issues

221/2018

It was MOVED and SECONDED

THAT Council approve amending the 2018 Budget as follows:

- Create a \$45,000 Budget for an Options Analysis and Detail Design for drainage improvements on Carmi Road, with funding coming from the Asset Emergency Reserve;
- Create a \$50,000 Budget for an Options Analysis and Detail Design for drainage improvements in the vicinity of the Campbell Mountain Landfill and Naramata Road, with funding coming from the Asset Emergency Reserve;
- Create a \$400,000 Budget for the completion of a Master Plan for Ellis Creek and for the Detail Design for 2019 Ellis Creek Improvements with funding coming from the capital reserve; and
- Create a \$250,000 Budget for the completion of design and construction works to clear debris from under the bridges and culverts in Ellis Creek in 2018, with funding coming from the capital reserve.

CARRIED UNANIMOUSLY

8.4 Local Area Service (Burnaby Avenue, Wylie Street, Riverside Drive) Bylaw No. 2018-41

222/2018

It was MOVED and SECONDED

THAT "Local Area Service (Burnaby Avenue, Wylie Street and Riverside Drive) Bylaw No. 2018-41", a bylaw to impose a local area service tax to offset the cost of street improvements on Burnaby Avenue, Wylie Street and Riverside Drive, be given first and second reading;
AND THAT, in accordance with Section 213 of the *Community Charter*, approval of the Bylaw be subject to a petition against the bylaw by property owners who would be subject to the bylaw;

AND THAT notice of Council's proposal to proceed with the local area service be carried out in accordance with Section 213 of the *Community Charter*;

AND FURTHER THAT once the Local Area Service (Burnaby Avenue, Wylie Street and Riverside Drive) Bylaw is complete, if supported by the landowners, this project be considered as part of the 2019 Budget process.

CARRIED UNANIMOUSLY

8.5 Request for Removal of Section 219 "No Suite" Covenant from Title

223/2018

It was MOVED and SECONDED

THAT Council direct staff to notify Land Titles to discharge Section 219 "no suite" covenant CA2401718 registered against 102 – 796 Government Street, Strata Lot 2, DL 249, SDYD, Strata Plan EPS1008;

AND THAT Council also support discharge of section 219 covenant CA2401719, registered against 101-796 Government Street, Strata Lot 1, DL 249, SDYD, Strata Plan EPS1008.

CARRIED UNANIMOUSLY

8.6 Downtown Penticton Association Grant Request

224/2018

It was MOVED and SECONDED

THAT Council approves \$2,500 of the cash grant request to the Downtown Penticton Association for the Canada Day Fireworks.

CARRIED

Councillor Sentes, Opposed

8.7 Choir for Carnegie (Our Redeemer Lutheran Church) Grant Request

225/2018

It was MOVED and SECONDED

THAT Council decline the request of a \$5,000 cash grant from Choir for Carnegie (Our Redeemer Lutheran Church).

CARRIED

Mayor Jakubeit and Councillor Picton, Opposed

9. **Public Question Period**

10. **Recess to In-Camera Meeting**

226/2018

It was MOVED and SECONDED

THAT Council recess at 4:08 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (e) *the acquisition, disposition or expropriation of land or improvements if the Council considers that disclosure could reasonably be expected to harm the interest of the municipality;*
- (f) *law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (i) *the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.*

CARRIED UNANIMOUSLY

11. **Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.**

Council reconvened the Regular Council Meeting at 8:42 p.m.

12. **Bylaws and Permits**

Councillor Konanz declared a conflict of interest and left the meeting at 8:42 p.m.

12.1 Zoning Amendment Bylaw No. 2018-23
Re: 249 Westminster Avenue W

227/2018

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-23".

CARRIED UNANIMOUSLY

Councillor Konanz returned to the meeting at 8:43 p.m.

12.2 Zoning Amendment Bylaw No. 2018-26
Re: 500/512 Gahan Avenue

228/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-26".

CARRIED UNANIMOUSLY

12.3 Zoning Amendment Bylaw No. 2018-27
Official Community Plan Amendment Bylaw No. 2018-28
Re: 201 Penticton Avenue

229/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-27";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-27".

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw
No. 2018-28";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2018-28".

CARRIED UNANIMOUSLY

Council reordered the agenda to consider 12.5 before 12.4.

12.5 Zoning Amendment Bylaw No. 2018-30
Re: 1273 Edgewood Drive

230/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-30";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2018-30".

CARRIED
Councillor Watt, Opposed

12.4 Zoning Amendment Bylaw No. 2018-29
Re: 179 Green Avenue West

231/2018

It was MOVED and SECONDED

THAT Council send the zoning amendment application for 179 Green Avenue West back to
staff to work with BC Housing to find other options.

CARRIED
Councillor Sentes, Opposed

13. **Land Matters**

13.1 Development Variance Permit PL2018-8234

Re: 920 Kilwinning Street

Delegations/Submissions: Neil Terry, Kilwinning Street, applicant, building is the same size but slightly taller.

232/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8234" for Lot 106, District Lot 249 Similkameen Division Yale District Plan 1159, located at 920 Kilwinning Street, a permit to decrease the minimum interior (north) side yard from 1.5m to 1.39m, and the minimum rear yard from 1.5m to 1.16m to permit the reconstruction of a carriage house in its original location; AND THAT staff be directed to issue "Development Variance Permit PL2018-8234".

CARRIED UNANIMOUSLY

13.2 Zoning Amendment Bylaw No. 2018-40

Re: 1386 Commercial Way

233/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-40", a bylaw to rezone Lot 2 District Lots 2710 and 3821 S Similkameen Division Yale District Plan 20419, located at 1386 Commercial Way from M3 (Wrecking Yard) to M1 (General Industrial), be given first reading and be forwarded to the June 5, 2018 Public Hearing.

CARRIED UNANIMOUSLY

13.3 Loco Landing Lease Extension

234/2018

It was MOVED and SECONDED

THAT Council approve the 2029 ten year lease renewal option as indicated on page 2 of the Council Report titled "Loco Landing Lease Extension"; AND THAT Council direct Mayor and Corporate Officer to execute the lease agreement attached to this report dated May 22, 2018 with inclusion of the renewal option above and upon conclusion of the disposition notice.

CARRIED UNANIMOUSLY

14. **Notice of Motion**

15. **Business Arising**

16. **Council Round Table**

17. **Public Question Period**

18. **Adjournment**

235/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, May 22, 2018 at 9:34 p.m.

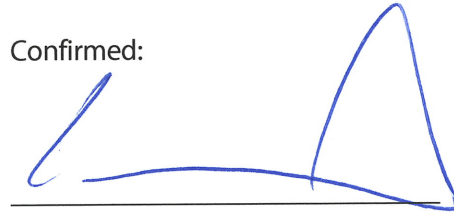
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor

